

PATENT COOPERATION TREATY

PCT

**NOTIFICATION OF RECEIPT OF
RECORD COPY**
(PCT Rule 24.2(a))

From the INTERNATIONAL BUREAU

To:

SPANGLER, Jonathan, D.
10065 Old Grove Road
San Diego, CA 92131
United States of America

Date of mailing (day/month/year) 25 November 2002 (25.11.02)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference	International application No. PCT/US02/28926

The applicant is hereby notified that the International Bureau has received the record copy of the international application as detailed below.

Name(s) of the applicant(s) and State(s) for which they are applicants:

NUVASCIVE, INC. (for all designated States except US).

SUTTERLIN, Chester, M., D. et al (for US).

International filing date : 11 September 2002 (11.09.02)

Priority date(s) claimed : 10 September 2001 (10.09.01)

Date of receipt of the record copy by the International Bureau : 30 September 2002 (30.09.02)

List of designated Offices

AP : GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW
EA : AM, AZ, BY, KG, KZ, MD, RU, TJ, TM
EP : AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE, SK, TR
OA : BF, BJ, CF, CG, CI, CM, GA, GN, GO, GW, ML, MR, NE, SN, TD, TG
National : AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ,
EC, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU,
LV, MA, MD, MG, MK, MN, MW, MX, MZ, NO, NZ, OM, PH, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TN, TR,
TT, TZ, UA, UG, US, UZ, VN, YU, ZA, ZM, ZW

The international filing date being more than 12 months after the (earliest) priority date, the applicant has been invited by the receiving Office or the International Bureau to correct the priority claim. Failure to do so shall result in the priority claim being considered by the receiving Office or the International Bureau, as the case may be, not to have been made.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 740.14.35	Authorized officer: Carlos NARANJO Telephone No. (41-22) 338.83.38
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Continuation of Form PCT/IB/301

NOTIFICATION OF RECEIPT OF RECORD COPY

Date of mailing (day/month/year) 25 November 2002 (25.11.02)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference	International application No. PCT/US02/28926

ATTENTION

The applicant should carefully check the data appearing in this Notification. In case of any discrepancy between these data and the indications in the international application, the applicant should immediately inform the International Bureau.

In addition, the applicant's attention is drawn to the information contained in the Annex, relating to:

- time limits for entry into the national phase - see updated important information (as of April 2002)
- confirmation of precautionary designations (if applicable)
- requirements regarding priority documents (if applicable)

A copy of this Notification is being sent to the receiving Office and to the International Searching Authority.

INFORMATION ON TIME LIMITS FOR ENTERING THE NATIONAL PHASE

The applicant is reminded that the "national phase" must be entered before each of the designated Offices indicated on the cover sheet of this Notification by paying national fees and furnishing translations, as prescribed by Articles 22 and 39 and the applicable national laws. In addition, the applicant may also have to comply with other special requirements applicable in certain Offices. It is the applicant's responsibility to ensure the necessary steps to enter the national phase are taken in a timely fashion. Most Offices do not issue reminders to applicants in connection with the entry into the national phase.

The applicable time limit for entering the national phase will, subject to what is said in the following paragraph, be 30 MONTHS from the priority date, not only in respect of any elected Office where a demand for international preliminary examination is filed before the expiration of 19 months from the priority date (see Article 39(1)), but also in respect of any designated Office, in the absence of filing of such demand, where Article 22(1) as modified with effect from 1 April 2002 applies in respect of that designated Office. For further details, see PCT Gazette No. 44/2001 of 1 November 2001, pages 18926, 19932 and 19934, as well as the PCT Newsletter, October and November 2001 and February 2002 issues.

In practice, time limits other than the 30-month time limit will continue to apply, for various periods of time, in respect of certain designated or elected Offices. For regular updates on the applicable time limits (20, 21, 30 or 31 months, or other time limit), Office by Office, refer to the PCT Gazette ("Section IV" part published on a weekly basis), to the PCT Newsletter (on a monthly basis) and to the relevant National Chapters in Volume II of the PCT Applicant's Guide (the paper version of which is updated usually twice a year and the Internet version of which is updated usually on a weekly basis). Finally, a cumulative table of all applicable time limits for entering the national phase is available from WIPO's Internet site, via links from various pages the site including those of the Gazette, Newsletter and Guide, at <http://www.wipo.int/pct/en/index.html>.

Information about the requirements for filing a demand for international preliminary examination is set out in the PCT Applicant's Guide, Volume I/A, Chapter IX. Note that only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination (at present, all PCT Contracting States are bound by Chapter II).

CONFIRMATION OF PRECAUTIONARY DESIGNATIONS

This notification lists only specific designations made under Rule 4.9(a) in the request. It is important to check that these designations are correct. Errors in designations can be corrected where precautionary designations have been made under Rule 4.9(b). The applicant is hereby reminded that any precautionary designations may be confirmed according to Rule 4.9(c) before the expiration of 15 months from the priority date (this time limit may not be extended). If it is not confirmed, it will automatically be regarded as withdrawn by the applicant. There will be no reminder and no invitation. Confirmation of a designation consists of the filing of a notice specifying the designated State concerned (with indication of the kind of protection or treatment desired) and the payment of the designation and confirmation fees. The Notice of confirmation and payment must reach the receiving Office within the 15-month time limit.

REQUIREMENTS REGARDING PRIORITY DOCUMENTS

For applicants who have not yet complied with the requirements regarding priority documents, the following is recalled.

Where the priority of an earlier national, regional or international application is claimed, the applicant must submit a copy of the said earlier application, certified by the authority with which it was filed ("the priority document") to the receiving Office (which will transmit it to the International Bureau), or directly to the International Bureau, before the expiration of 16 months from the priority date, provided that any such priority document may still be submitted to the International Bureau before that date of international publication of the international application, in which case that document will be considered to have been received by the International Bureau on the last day of the 16-month time limit (Rule 17.1(a)).

Where the priority document is issued by the receiving Office, the applicant may, instead of submitting the priority document, request the receiving Office to prepare and transmit the priority document to the International Bureau. Such request must be made before the expiration of the 16-month time limit and may be subjected by the receiving Office to the payment of a fee (Rule 17.1(b)).

If the priority document concerned is not submitted to the International Bureau or if the request to the receiving Office to prepare and transmit the priority document has not been made (and the corresponding fee, if any, paid) within the applicable time limit indicated under the preceding paragraphs, any designated State may disregard the priority claim, provided that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within the time limit which is reasonable under the circumstances.

Where several priorities are claimed, the priority date to be considered for the purposes of computing the 16-month time limit is the filing date of the earliest application whose priority is claimed.

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PATENT COOPERATION TREATY

From the RECEIVING OFFICE

To:	JONATHAN SPANGLER 10065 OLD GROVE ROAD SAN DIEGO, CALIFORNIA 92131
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**NOTIFICATION OF THE INTERNATIONAL
APPLICATION NUMBER AND OF THE
INTERNATIONAL FILING DATE**

(PCT Rule 20.5(c))

Date of mailing (day/month/year)	26 Sep 2002	
IMPORTANT NOTIFICATION		
International application No. PCT/US02/28926	International filing date (day/month/year) 11 Sep 2002	Priority date (day/month/year) 10 Sep 2001
Applicant NUVASCIVE, INC.		
Title of the invention SYSTEMS AND METHODS FOR REMOVING BODY TISSUE		

1. The applicant is hereby notified that the international application has been accorded the international application number and the international filing date indicated above.

2. The applicant is further notified that the record copy of the international application:

- was transmitted to the International Bureau on _____
 has not yet been transmitted to the International Bureau for the reason indicated below and a copy of this notification has been sent to the International Bureau*:
 because the necessary national security clearance has not yet been obtained.
 because (reason to be specified): _____

* The International Bureau monitors the transmittal of the record copy by the receiving Office and will notify the applicant (with Form PCT/IB/301) of its receipt. Should the record copy not have been received by the expiration of 14 months from the priority date, the International Bureau will notify the applicant (Rule 22.1(c)).

3. FOREIGN TRANSMITTAL LICENSE INFORMATION	Completed by: <u>MY</u>
<input type="checkbox"/> Additional license for foreign transmittal not required. This subject matter is covered by a license already granted or the equivalent U.S. national application. Refer to that license for information concerning its scope.	
<input type="checkbox"/> License for foreign transmittal not required. 37 CFR 5.11(e)(1) or 37 CFR 5.11(e)(2). However, a license may be required for additional subject matter. See 37 CFR 5.15(b).	
<input checked="" type="checkbox"/> Foreign transmittal license granted. 35 U.S.C. 184; 37 CFR 5.11 on _____ <input checked="" type="checkbox"/> 37 CFR 5.15(a) <input type="checkbox"/> 37 CFR 5.15(b)	(date) 21 Sep 2002

Name and mailing address of the receiving Office Assistant Commissioner for Patent, Box PCT Washington, D.C. 20231 Attn: RO/US Facsimile No. 703-305-3230	Authorized officer MARILYN YOUNGER Telephone No. 703-305-3753
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Form PCT/RO/105 (July 1992)

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PATENT COOPERATION TREATY

NOTIFICATION RELATING TO PRIORITY CLAIM

(PCT Rules 26bis.1 and 26bis.2 and
Administrative Instructions, Sections 402 and 409)

Date of mailing (day/month/year)

20 October 2003 (20.10.03)

Applicant's or agent's file reference

IMPORTANT NOTIFICATION

International application No.

PCT/US02/28926

International filing date (day/month/year)

11 September 2002 (11.09.02)

Applicant

NUVATIVE, INC. et al

The applicant is hereby notified of the following in respect of the priority claim(s) made in the international application.

1. **Correction of priority claim.** In accordance with the applicant's notice received on: , the following priority claim has been corrected to read as follows:

- even though the indication of the number of the earlier application is missing.
- even though the following indication in the priority claim is not the same as the corresponding indication appearing in the priority document:

2. **Addition of priority claim.** In accordance with the applicant's notice received on: , the following priority claim has been added:

- even though the indication of the number of the earlier application is missing.
- even though the following indication in the priority claim is not the same as the corresponding indication appearing in the priority document:

3. As a result of the correction and/or addition of (a) priority claim(s) under items 1 and/or 2, the (earliest) priority date is:

4. **Priority claim considered not to have been made.**

- The applicant failed to respond to the invitation under Rule 26bis.2(a) (Form PCT/IB/316) within the prescribed time limit.
- The applicant's notice was received after the expiration of the prescribed time limit under Rule 26bis.1(a).
- The applicant's notice failed to correct the priority claim so as to comply with the requirements of Rule 4.10.

The applicant may, before the technical preparations for international publication have been completed and subject to the payment of a fee, request the International Bureau to publish, together with the international application, information concerning the priority claim. See Rule 26bis.2(c) and the PCT Applicant's Guide, Volume I, Annex B2(1B).

5. In case where multiple priorities have been claimed, the above item(s) relate to the following priority claim(s):

US 10 September 2001 (10.09.01) 60/322,489

6. A copy of this notification has been sent to the receiving Office and

- to the International Searching Authority (where the international search report has not yet been issued).
- the designated Offices (which have already been notified of the receipt of the record copy).

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No. (41-22) 338-7080

Authorized officer

Catherine MONDON (Fax 338-8995)

Telephone No. (41-22) 338 9074

Form PCT/IB/318 (July 1998)

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